

REMARKS

Claims 16-30 are pending in this patent application. Claims 26-30 have been amended to address the rejections under 35 U.S.C. 101 and to correct informalities and/or typographical errors. No new matter has been added. Accordingly, claims 16-30 remain pending in the present application.

Allowable Subject Matter

Applicants appreciate and acknowledge the Examiner's indication that claims 16-25 are allowed.

Rejections – 35 U.S.C. 101

The Examiner states,

Claims 26-30 are rejected under 35 U.S.C. 101 because the claims are non-statutory as not being tangibly embodied in a manner so as to be executable. In the specification, page 6, the alleged computer readable medium is not limited to tangible product or medium [see page 6, lines 8-9].

In response to the Examiner's rejection above, Applicants have amended claim 26 to recite a "computer-readable medium encoded with a computer program for configuring an operating system in a computer system, the computer program comprising computer-executable instructions." Applicants submit that "computer-readable medium encoded with a computer program" claims are recognized as an accepted type of claim, similar to "method," "system," and "device" claims. Specifically, MPEP § 2106 states:

[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.
(M.P.E.P. § 2106.IV.B.1(a), 8th ed., 4th rev.)

Accordingly, Applicants respectfully submit that claim 26, as amended, is directed towards statutory subject matter under 35 U.S.C. 101. Claims 27-30 are also allowable since they depend from an allowable base claim.

Conclusion

In view of the foregoing, Applicants submit that claims 16-30 are in condition for allowance. Applicants respectfully request reconsideration and allowance of the claims as now presented. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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